

Remarks

Reconsideration of remaining claims 1, 3-4, and 6-11 is respectfully requested.

In the Office action dated August 10, 2005, the Examiner rejected all pending claims under 35 USC § 102(b) as being “anticipated” by (applicant’s cited) reference US Patent 6,069,946 (Lieuwen). In response, applicant has amended independent claim 1, and cancelled claims 12-23 to clarify the subject matter of the present invention and substantially reduce the number of independent claims and various issues for consideration by the Examiner.

In accordance with the present invention, a calling party is given enhanced “control” in the process of reaching a called party. In particular, a list of “call preferences” are provided by the calling party, where these “preferences” may include a listing of, for example, an individual’s home telephone number, work telephone number, cell phone number, etc. The present invention, through the use of a “call control entity” tries to establish contact with a “first preference” number selected by the calling party. If that call attempt fails, the CCE prompts the calling party for another number to try. Depending on the circumstances (such as time of day, day of week, etc.), the calling party will select a “most likely to succeed” second preference. During a work day, for example, the calling party may try a person’s work number if an attempt on his home number fails. Alternatively, on the weekend, the calling party may elect to use the cell phone number as his second preference contact number (instead of the work number). As a result, the calling party remains in complete control of the sequence of “call preferences” used by the CCE.

In contrast, the cited Lieuwen reference proceeds in an automated fashion to reach a called party by placing attempts through a pre-defined sequence of “call preferences”. The calling party is not prompted after each unsuccessful attempt, to select the next reach number.

In the Office action, the Examiner referred to Lieuwen at column 9, beginning at line 65, as teaching the use of the CCE to "prompt" the calling party after each call attempt for a desired sequence of numbers to try. This is not the case. The portion of Lieuwen cited by the Examiner is directed to an advanced feature of Lieuwen that allows for a calling party, *after* successful completion of a call, to continue on with placing calls to the remaining numbers (in sequence) in his "call preference" list. That is, if a call to the called party's home is "successful" (i.e., answered), but the wrong person is reached, the teaching of Lieuwen allows for the calling party to "prompt" the process to continue by trying the next number on the list (instead of presuming that the process has "succeeded" and merely exiting the process). Clearly, this process of Lieuwen is distinguishable from the subject matter of the present invention.

Indeed, applicant has amended claim 1 to more accurately define the inventive process as prompting the user after each unsuccessful call attempt to designate the next "call preference" to try. Lieuwen is not considered to "anticipate" this subject matter as required by the provisions of 35 USC 102(b).

In light of these amendments, as well as the above discussion, applicant believes that the remaining claims are now allowable over Examiner's rejections. Applicant therefore respectfully requests the Examiner to review the amended claims and find them to now be in condition for allowance.

If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

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